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Report of the Independent Expert on the situation of human rights in Mali

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Independent Expert on the situation of human rights in Mali, Suliman Baldo, which covers the period from 1 April to 30 November 2017. The report is based on the information made available to the Independent Expert during his ninth visit to Mali, from 27 November to 1 December 2017, by the Government of Mali, the United Nations Multidimensional Integrated Stabilization Mission in Mali and other sources, including civil society organizations.

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I. Introduction

1. The present report is submitted in accordance with Human Rights Council resolution 34/39, adopted on 24 March 2017, in which the Council renewed the mandate of the Independent Expert on the situation of human rights in Mali for one year with a view to assisting the Government of Mali in its efforts to promote and protect human rights and requested him to submit a report to the Council at its thirty-seventh session.

2. In the present report, which covers the period from 1 April to 30 November 2017, the Independent Expert on the situation of human rights in Mali, Suliman Baldo, gives an account of his ninth visit to Mali, from 27 November to 1 December 2017. The report is based on information collected from government authorities, United Nations bodies operating in the country, national and international organizations dealing with humanitarian issues and human rights, as well as on the testimonies of associations and families of victims of serious violations of human rights and international humanitarian law.

3. The Independent Expert wishes to thank the Government of Mali for facilitating his stay in the country and granting him access to all the national and local officials that he asked to meet. During his ninth visit, as with the previous visits, the Independent Expert met with high-ranking officials, including the Minister of Justice, Keeper of the Seals, the Minister of Human Rights and State Reform.

4. The Independent Expert also met the members of the Truth, Justice and Reconciliation Commission and the Chairperson of the National Human Rights Commission.

5. The Independent Expert held talks with representatives of civil society, associations of victims in northern Mali and a youth association, as well as with representatives of the Platform and the Coordination des mouvements de l'Azawad (CMA), the diplomatic corps and United Nations bodies.

6. The Independent Expert wishes to thank Mahamat Annadif, Special Representative of the Secretary-General for Mali and Head of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), and the staff of the Human Rights and Protection Division of MINUSMA. The technical and logistical support from the United Nations system in Mali was essential for facilitating and ensuring the success of the Independent Expert's ninth visit.

II. General situation in the country

A. The political situation

7. The Independent Expert notes that, more than two years after the signing of the Agreement on Peace and Reconciliation in Mali, very little progress had been made in implementing it owing to a lack of trust and consultation between the signatories. He also notes that the ambassadors of the 15 members of the Security Council and those of other G5 countries travelled to Mali in October 2017 and expressed their deep concern about the continued delays in the implementation of the Agreement's central provisions. They even stated that, if no new momentum was created, there was a real risk that the progress achieved hitherto would be lost.

8. On 5 September 2017, the Security Council unanimously adopted resolution 2374 establishing a regime of targeted sanctions in respect of Mali and imposing a travel ban and an asset freeze on individuals and entities involved in actions or policies that threaten the peace, security and stability of the country. However, the Independent Expert notes that the effectiveness of the sanctions regime largely depends on the collaboration of other countries, especially those neighbouring Mali, in the event that a travel ban and/or asset freeze must be enforced.

9. The Independent Expert notes that, on 26 November, the day before his most recent visit to Mali, the Council of Ministers decided to postpone the local and regional elections, initially scheduled for 17 December 2017, to April 2018. Several leaders of the opposition had voiced concern about the security situation with regard to the holding of elections. The Government of Mali justified its decision by the need to hold inclusive, calm and peaceful elections and to respond to the concerns of all actors in the electoral process.

10. The referendum on the bill amending the Constitution, initially planned for 9 July 2017, was postponed. The Independent Expert notes that the purpose of amending the Constitution of 1992, which would be the first amendment in 25 years, was to implement some of the commitments undertaken in the Agreement on Peace and Reconciliation in Mali of May/June 2015. However, thousands of people, including several opposition leaders, among whom were former Prime Ministers and trade unionists, reportedly demonstrated against the amendment.

B. The security situation

11. The Independent Expert notes that the state of emergency in Mali, in force almost continuously since the terrorist attack against a luxury hotel in Bamako in November 2015, was extended for a year on 31 October 2017. According to the Malian authorities, the decision was motivated by the ongoing terrorist threat in the centre of the country, which could spread further afield. The Independent Expert is concerned by the recurring, asymmetric terrorist attacks against the Malian defence and security forces, as well as other State officials and international forces.

12. The Independent Expert notes that, on 27 November, the day of his arrival in Mali, 4 peacekeepers and a Malian soldier were killed in two attacks that also injured some 20 others. The first attack happened in Ménaka Region, in the country's north-west, and caused the death of three peacekeepers and one Malian soldier; 16 other peacekeepers and a civilian employee of MINUSMA were injured. The second attack, this time against a MINUSMA convoy north of Douentza (centre), cost the life of a peacekeeper and seriously injured three others. On 8 October 2017, two unidentified armed persons shot dead a 21-year-old forest guide and a 30-year-old employee of the Ministry of Agriculture in Ségou Region. On 6 November 2017, a bus was blown up by a mine near Ansongo in northern Mali, killing at least four civilians, including a young girl, and injuring several others. The passengers had been travelling to a weekly market in Ansongo.

13. Since the start of 2016, the steady spread of insecurity and violence in the central regions has made the multidimensional nature of the Malian crisis even more complex. The growing penetration and influence of violent extremist groups in certain regions of the country, in the absence of the Malian authorities, raise many concerns about the State's real capacity to retake control of these areas and protect the population. In certain towns, persistent insecurity has prevented the deployment of public servants and forced out humanitarian actors, families and the political and judicial authorities.

14. The Independent Expert notes that at least 439 security incidents were recorded in Mopti and Ségou Regions between January and August 2017, in other words between 50 and 60 incidents per month. The main threats include: attacks using improvised explosive devices against the Malian defence and security forces and MINUSMA; kidnapping; radical sermons and the imposition of sharia law; retaliation by means of physical assault; and targeted assassinations. These incidents have left at least 209 people dead, of whom 141 were civilians, and injured 126 others, including 52 civilians.

15. On 15 July, a dozen armed extremists stormed the village of Sambaolo in Mopti *cercle* and told the village chief to assemble the inhabitants in the mosque. For an hour they preached radical Islam, including the strict application of sharia law to women, and stated that they would attack all symbols of State authority, such as individuals in uniform and persons who worked for or with the Government. In addition, they threatened anyone who might try to report them with reprisals. The Independent Expert was informed that these armed groups have established so-called courts in the region of Dyaloubé, where sharia-based decisions are taken in disputes regarding debt, access to land and intercommunal

conflict. On 2 October, some 20 unidentified armed individuals arrived by boat and raided a village, destroying a number of radio and television sets belonging to civilians. They then warned the population not to listen to music, adding that anyone caught infringing this or any other of their instructions (issued based on their interpretation of sharia law) would be severely punished.

16. The security situation in the city of Kidal and in most of Kidal Region is characterized by widespread organized crime. In the city of Kidal alone, over 20 instances of aggravated theft have been reported since the beginning of October 2017. In most cases, employees of humanitarian organizations and dozens of civilians, including MINUSMA employees, have been targeted. Some have lost possessions, such as motorcycles, telephones and cash. These acts are unique in that they are committed in broad daylight.

17. The Independent Expert was shocked by the rise in attacks against humanitarian actors and the impact of this rise on the population. For example, on 21 October 2017, at around 3 a.m., three unidentified armed individuals unlawfully entered the home of nine staff members of humanitarian organizations, including the International Rescue Committee and Médecins du Monde, and stole six mobile telephones. The assailants reportedly tied the hands of one of the residents and forced him to lead them to the rooms of the other residents. After assembling all the residents, the assailants threatened to kill them, saying that they had not killed any staff members in the course of other burglaries at the International Rescue Committee but warning them that any act of resistance could provoke the use of fatal force. This incident was the fourth armed robbery at the International Rescue Committee since August 2017. On 18 October 2017, the International Committee of the Red Cross announced that it would significantly scale back its activities in Kidal as of 20 October 2017 because of insecurity in the region. The announcement was made a few days following an attempted home invasion and armed robbery at one of its residences in Kidal on 16 October 2017, the latest in a string of attacks targeting humanitarian organizations, members of MINUSMA and civilians. The International Committee of the Red Cross specified that the scale-back would not have an impact on the support provided to the surgical centres of the referral hospital.

18. The Independent Expert was informed that, on 15 July, a civilian transport vehicle was attacked by four unidentified armed men on two motorcycles in Ménaka-Ti-n-Dermine. The assailants shot and injured a passenger while others were stripped of their possessions, including cash and laptop computers. The victims notified the gendarmerie in Ménaka but no investigation has been opened.

19. The Independent Expert was informed that the arrests, especially those in Douentza *cercle* (Mopti), appeared to target members of the Fulani community suspected of having ties with armed or terrorist groups. Throughout May 2017, the national authorities arrested at least 112 individuals, including 108 men, 2 women and 2 boys, for terrorism-related activities in the area of Mopti. The Human Rights and Protection Division of MINUSMA has been able to determine the ethnic origin of 106 of those arrested: 100 were Fulani, 2 were foreign nationals and 4 were Songhai. Most of the Fulani detainees indicated that the Fulani are singled out during operations conducted by the Malian authorities. It should be noted that the defence and security forces themselves play a considerable role in the destabilization of the region and the radicalization of the local population, given that the population has lost faith in the forces owing to the human rights violations they allegedly commit during their operations and to the impunity they enjoy in cases processed by the national authorities.

20. The lack of local administrative and security authorities in most regions weakens the rule of law and heightens the population's vulnerability to all forms of violence. Isolated areas serve as hide-outs for armed groups, creating conditions conducive to all kinds of abuse and human rights violations. The Independent Expert is concerned about the fate of civilians living in places entirely occupied and controlled by armed groups.

21. The Independent Expert is pleased that the former South-African hostage Stephen McGown was released at the end of July after being held for six years by Al-Qaida and stresses that some 15 hostages, including Malians and foreign nationals, remain in the hands of armed groups.

C. The ongoing challenge of the fight against impunity

22. The 18 August 2017 sentencing of Aliou Mahamane Touré, the former self-proclaimed superintendent of the Islamic police of Gao from 2012 to 2013, by the assize court of Bamako was a major step forward in the fight against impunity. Mr. Touré was also wanted for war crimes but that charge was dismissed by the court. In addition, on 27 September 2016, the International Criminal Court convicted Ahmad Al Mahdi Al Faqi, a member of the Islamic police of Timbuktu in 2012, of destroying nine mausoleums and one mosque in Timbuktu Region. On 17 August 2017, the Court also found him liable for €2.7 million in damages. The Independent Expert welcomes the fact that, by awarding individual, collective and symbolic reparations to the community of Timbuktu, the International Criminal Court recognized that the destruction of protected buildings causes suffering to people throughout Mali, as well as the international community.

23. However, no significant progress has been observed on a judicial level since the signing of the Agreement on Peace and Reconciliation in Mali, in which the Government had committed to ending impunity. Most perpetrators of abuses and violations of human rights and international humanitarian law go unpunished. The main reasons for the ongoing impunity include: insecurity in the centre and north of the country, the lack of a system to protect judges, the justice system's insufficient human and logistical resources, the lack of training for justice officials and the high cost of judicial proceedings for litigants.

24. Furthermore, the lack of functioning courts in the northern regions slows the pace of investigations and proceedings. The Supreme Court even ordered in two decisions dated July 2012 and January 2013 that the courts in the areas affected by the armed conflict be shut down in favour of the Court of First Instance of Commune III of Bamako. However, in February 2015, another Supreme Court decision restored the geographic jurisdiction of the northern courts, even though they were not yet operational. The extremely volatile security situation has not, to this day, made possible the return of judges to the northern regions. For this reason, a number of cases of human rights violations and serious abuses are still pending before the Court of First Instance of Commune III of Bamako despite the fact that it no longer has jurisdiction to continue the investigation.

25. As a result of the rising insecurity, the two district judges with expanded jurisdiction of Ténenkou and Youwarou were moved and reassigned to the appeals court of Sévaré. In effect, this prevented the plaintiffs from these areas from accessing justice and slowed down investigations and proceedings. The judges in Djenné, Douentza and Koro might also be transferred to Sévaré for the same reasons. MINUSMA has helped set up a committee within the criminal justice system to address challenges in access to justice. Generally speaking, the judicial system continues to be perceived as biased, thus creating distrust among the population.

26. The complaint and application for criminal damages brought by the Malian Human Rights Association and the International Federation for Human Rights Leagues on 12 November 2014, on behalf of 80 women victims of rape and other forms of sexual violence, is stalled. These offences were committed during the occupation of northern Mali by separatist and terrorist armed rebel groups in 2012 and 2013. The Independent Expert heard that the lack of cooperation on the part of the authorities, as well as problems accessing the areas and persons concerned, were at the root of the stagnation. Similarly, the complaint and application for criminal damages that the two organizations filed on 6 March 2015 on behalf of 33 victims of international crimes during the occupation of Timbuktu and environs by armed groups in 2012 and 2013 is not moving forward. The complaint targets 15 alleged perpetrators of crimes against humanity and war crimes. The Independent Expert welcomes the fact that some of the plaintiffs have been heard by the investigating judge, but regrets that the investigation has been inactive for over six months. He was informed that the investigation is currently suspended owing to a lack of political and judicial will.

27. The Independent Expert welcomes the decision by MINUSMA to support a coalition of six victim associations and three regional coordination groups offering legal, psychological and social assistance to 115 victims of sexual violence in Mopti, Gao and Timbuktu Regions.

28. The Independent Expert notes that the National Human Rights Commission, which also acts as the national torture prevention mechanism, has a strong mandate in terms of the protection and promotion of human rights, including the possibility of processing individual complaints. New commissioners were appointed and took up their functions in May 2017. The Independent Expert welcomes the fact that the Human Rights and Protection Division of MINUSMA provided technical support to the National Human Rights Commission through a capacity-building workshop held from 17 to 19 October 2017. The workshop was an opportunity to identify strategic priorities and led to the preparation of the Commission's internal working documents, in particular its strategic plan, the rules governing the complaint mechanism and a guide on visits to places of detention and deprivation of liberty.

29. The Independent Expert was informed that, since the beginning of the counter-terrorism military operations, some suspects have been transferred to Bamako without their cases being referred to the public prosecution service. As a consequence, some cases fall out of the service's purview. Moreover, patrols under these military operations are carried out without the involvement of the gendarmerie's military police units, which are responsible for criminal investigations. This situation leads to arbitrary arrest and unlawful detention.

30. The Independent Expert welcomes the progress made in the operationalization of the Truth, Justice and Reconciliation Commission. The Commission started its operational phase in January 2017 by collecting statements; it had gathered over 6,000 by November 2017. The matter of whether to extend the Commission's mandate will have to be addressed so that it can proceed with the investigations and public hearings. While the Independent Expert acknowledges that a media campaign on the Commission's mandate was undertaken as part of efforts to widen its reach through five regional offices, he encourages the Commission to put in place a more robust communications policy. He also encourages the Commission to take the appropriate steps to ensure the protection of victims and witnesses in the light of its mandate and of the activities that it will have to conduct. In addition, an effective computer management system should be set up to make it easier to categorize the violations committed by the various parties and prepare the final report.

31. The Secretary-General's decision in October 2017 to set up an International Commission of Inquiry, as provided for in article 46 of the Agreement on Peace and Reconciliation in Mali, was a welcome development. The International Commission of Inquiry, which will have three members, will be tasked with investigating allegations of abuse and serious violations of international human rights law and international humanitarian law, including allegations of sexual violence during the conflict, committed across Mali between 1 January 2012 and the date of the establishment of the International Commission of Inquiry. It will submit a report one year after the effective start of its activities and will support the efforts of the Malian authorities to combat impunity.

32. The Independent Expert welcomes the commitment by the Ministry of Defence of Mali, following the allegations recorded by human rights organizations, to open an investigation into the serious abuse reportedly committed by the security forces during operations in central Mali. In addition, the Independent Expert learned that the Ministry of Defence has committed to taking several other important steps to prevent the security forces involved in the operations from further infringing human rights. These steps include: formally instructing troop commanders to hand over any person detained during military operations to the gendarmerie's military police units for investigation purposes; formally instructing the gendarmerie's military police units to produce a monthly report on any human rights violations; and pursuing human rights training and awareness-raising among the armed forces.

33. The Independent Expert notes that the prosecutor from the International Criminal Court made a two-day visit to Mali. During her stay from 17 to 19 October 2017, Fatou Bensouda met all the military chiefs to discuss the cases of violence against civilians recorded by human rights organizations. She reaffirmed that investigations into other offences, in particular sexual and other gender-based offences, were ongoing.

III. The human rights situation

A. Civil and political rights

34. The Independent Expert notes with satisfaction the commitment of Mali to respecting human rights. Mali has ratified nine core international human rights instruments and six optional protocols. He welcomes the adoption by Mali of a national policy on transitional justice, a national human rights policy and a national gender policy, as well as the rebuilding of the National Human Rights Commission. The establishment of a new ministry for human rights in April 2017 constitutes yet another important step towards improving the human rights situation in the country.

35. However, the human rights situation in the central and northern parts of the country is still marred by widespread abuse and serious violations of human rights committed by a multitude of actors. The state of emergency in Mali, which had been in effect almost continuously since the deadly attack on the Radisson Blu hotel in Bamako in November 2015, was extended for another year as of 31 October 2017.

1. Human rights violations committed by the Malian armed forces

36. Several human rights reports (including a recent report by Human Rights Watch on human rights violations committed during the operations of the Malian armed forces in the commune of Mondoro between May and June 2017) refer to serious violations of international human rights law and international humanitarian law, including summary executions committed during counter-terrorism operations by members of the armed forces of the country's sixth military district. The Malian armed forces stand accused of summarily executing at least 13 individuals, who were found in four mass graves located in the central part of the country.

37. The counter-terrorism operations conducted by the Malian defence and security forces in this region have led to summary executions, enforced disappearances, torture, ill-treatment and arbitrary arrests. The majority of the victims belonged to the Fulani community. The Human Rights and Protection Division of MINUSMA has verified the alleged summary execution of 13 individuals, the majority of whom belonged to the Fulani community, by the Malian defence and security forces in Douentza *cercle* between December 2016 and October 2017.

38. During the counter-terrorism operations conducted by the Malian armed forces in May and June 2017, at least 43 people were subjected to enforced disappearance, and at least 30 people were tortured (10 of whom were subjected to a mock execution) or ill-treated. The Human Rights and Protection Division of MINUSMA has been able to determine the ethnic origin of 106 of the 112 persons questioned during the five waves of arrests that followed, 100 of whom (94 per cent) were Fulani.

39. The Independent Expert is particularly concerned about an incident that took place on 2 May 2017 where members of the Malian armed forces reportedly arrested and detained 17 persons belonging to the Fulani community, including 2 women, during an operation in Mopti Region. Four of the suspects reportedly died while they were being transferred from Mopti to Sévaré. This case raises concerns over other suspects who have died in the custody of the Malian armed forces.

40. The Independent Expert was informed of possible cases of excessive use of force by the Malian security forces. He was also informed of the death of a lorry driver and of the condition of three other civilians who were injured during a police operation in Bamako Region. On 15 April 2017, a Malian police officer allegedly assaulted a lorry driver at a checkpoint. Civilian bystanders then retaliated by attacking the police officer. As the police officer was running away, the crowd redirected the attack towards the police station located in the thirteenth district in Bamako. The tear gas and live ammunition used by the security forces to disperse the crowd reportedly claimed other victims. The Independent Expert was also informed of the case of two men who were killed by a gendarme in Mopti Region on the night of 30/31 March 2017. Although the gendarmerie launched its own investigation

into the shooting, the Independent Expert would like an independent investigation to be opened to ensure the transparency and impartiality of the investigation process.

41. The Independent Expert received information relating to an operation led by international forces on the night of 20 July, during which members of the forces reportedly arrested more than five people in and around the city of Timbuktu. According to some sources, members of the forces reportedly took them to an unknown location. However, the Independent Expert was informed that four of them had reportedly been released the same day, while the fifth person had reportedly been placed on board a helicopter belonging to the Barkhane forces and taken to an unknown location.

2. Human rights violations committed by armed groups

42. The interpretation given to sharia law by preachers and extremist groups in almost all the *cercles* of Mopti Region calls into question practices considered quite normal by some Muslims, especially practices specific to Mali. For example, recently a marabout was murdered in the commune of Mondoro for having encouraged his Qur'anic students to beg for rice. In other cases, women have been whipped for having sung or for having celebrated their marriage in the traditional manner (with music and in mixed company). On 1 September 2017, during Eid al-Adha, also known as Tabaski, violent extremists raided several villages to enforce their prohibition on celebrating the holiday. This situation prompted several members of the community to rise up against these individuals, creating a cycle of violence and retaliation.

43. The Independent Expert was also informed of problems related to the exercise of freedom of conscience and religion that affect both the Christian and Muslim communities. In the first week of October 2017, armed extremists in the central Region of Mopti, threatened Christian communities in two villages and burned down three churches. On 19 September, an unknown number of unidentified armed individuals (suspected to belong to a radical group) raided another village in the region, looting the local church before burning it down. They also reportedly threatened members of the Christian community, warning them to cease practising their faith, and reportedly ordered all residents not to smoke or consume alcohol. On 6 October 2017, six violent extremists ransacked and burned down a Catholic and a Protestant church in a village located in Douna Pen, also in Mopti Region. The Independent Expert notes that the Christian community had already received threats from armed radical individuals in the region. The church in Didja (or Bija), located in another commune of Mopti Region, has remained closed since 25 April 2017 after these individuals raided the village and threatened the church leaders. These acts constitute serious violations of freedom of conscience and religion.

44. The two armed groups that are signatories to the Agreement on Peace and Reconciliation in Mali continue to recruit and use children.

45. The Independent Expert is concerned by reports that members of armed groups violated the human rights of civilians while purporting to maintain security. On 18 April, members of the Mouvement pour le salut de l'Azawad reportedly executed a 30-year-old shopkeeper who was a member of the Songhai community in Ménaka Region. Members of the Mouvement pour le salut de l'Azawad-Platforme allegedly shot the victim in front of his house during a joint patrol for having broken the curfew imposed by armed groups in the city. These individuals have been conducting joint patrols for the purpose of securing the city since 17 April. On 18 October, the International Committee of the Red Cross announced that it would significantly scale back its activities in Kidal as of 20 October following the decision to evacuate non-essential staff in the light of growing insecurity. It explained that the scale-back would not affect its support for the surgical centres attached to the commune's referral hospital (the only facilities of this kind within a 300 km radius).

46. On two occasions, between October and November 2016 and in May 2017, humanitarian organizations partnered with United Nations agencies were prevented from moving freely on the Anefis-Kidal road on account of the conflict between the Coordination des mouvements de l'Azawad and the Groupe d'autodéfense des Touaregs Imghad et leurs alliés.

47. The deployment of the G5 Sahel joint force, which was welcomed by the Security Council in resolution 2359 (2017), has the stated objective of combating terrorism and addressing the challenges posed by transnational crime in the Sahel region. Despite the G5 countries having signed a judicial cooperation agreement within the framework of the fight against terrorism on 9 May 2017 in Niamey, Niger, the personnel of the G5 Sahel joint force was not deployed in Sévaré, Mopti Region, until 9 September 2017. This agreement facilitates direct cooperation with prosecutors in the border areas between the G5 Sahel countries. In this way, the Public Prosecutor of Mopti can easily cooperate with his or her counterparts in Burkina Faso.

B. Intercommunal and intracommunal conflicts

48. The Independent Expert remains concerned by the conflicts between and within communities and by the human rights violations, which pose a clear threat to the peace process. Intercommunal conflicts regularly occur between the Fulani, on the one hand, and the Bambaras and the Dogon, on the other, in certain areas of Mopti Region. An extensive intercommunal conflict that took place between the Fulani and the Dogon in June and August 2017 in Koro *cercle* left at least 55 people dead, including 34 Fulani. Most of these (28 persons) died as a result of an indiscriminate attack by the Dogon hunters (Dozos) in retaliation for the murder of a famous Dozo in the region, which they attributed to "Fulani jihadists" in a letter published after the fact.

49. The Independent Expert was informed that, between September and October 2017, the armed groups that are signatories to the Agreement on Peace and Reconciliation in Mali organized intercommunal round tables in an effort to put an end to the violence and to find solutions to security and protection issues with a view to facilitating the Agreement's implementation.

C. The situation of women

50. The situation of women and girls in Mali remains worrying, especially for those living in the north and central parts of the country. Indeed, unidentified armed individuals are stepping up attacks against public transport on certain roads linking Gao and Ansongo, Ansongo and Ménaka, Gao and Gossi, as well as those leading to the Niger border. The working group on gender-based violence has called for the denunciation of these attacks on travellers, which, more often than not, result in the systematic rape of the women and girls who are unlucky enough to find themselves aboard these vehicles. MINUSMA has increased its number of weekly patrols in order to address this threat. However, a more regular patrol schedule remains difficult to put in place owing to the risk of mines and other explosive devices.

51. The participation of women in public and political life remains very low, despite the adoption and promulgation at the end of 2015 of Act No. 052, which introduced a gender quota of 30 per cent for elected and appointed offices. However, the Independent Expert was informed that all local and communal electoral lists complied with the 30 per cent quota, which will lead to an increase in the number of women represented in local decision-making mechanisms. This new momentum might help to improve the situation of women and girls in the country.

52. The Independent Expert observes that, in Mali, there is no legislation prohibiting female genital mutilation, such as excision and infibulation, procedures which have been performed in the country for generations. However, awareness-raising activities conducted by civil society organizations and United Nations specialized agencies, in partnership with the Ministry for the Advancement of Women, Children and the Family, have led more than 1,088 villages out of the 12,000 villages in Mali to abandon the practice.

53. The Independent Expert had noted that the Ministry for the Advancement of Women, Children and the Family, through the national programme to combat excision, had undertaken to develop a holistic national communication strategy on gender-based violence. The Independent Expert welcomes the drafting of a bill to prohibit gender-based violence

and encourages the Malian authorities to expedite its consideration with a view to its adoption. He was informed that the bill is currently before the Government for consideration and submission to Parliament for a vote.

D. The situation of children

54. Children are still direct and indirect victims of violence in Mali. The Independent Expert was informed that, on 4 October 2017, three children (a 13-year-old boy, a 9-year-old girl and an 8-year-old girl) were injured when a grenade exploded in Ménaka Region. The children were bringing their animals back from the pasture when the 13-year-old boy, mistaking the grenade for a toy, picked it up. The device exploded in his hand, causing the boy to lose four fingers on his right hand and injuring and grazing the legs and face of the two girls. All three children received medical attention at the referral hospital in Ménaka.

55. The Independent Expert was informed of a case involving three children, all five years of age, who were caught up in an explosion caused by an improvised explosive device in a village located in Sindégué Ouadiobe, approximately 50 km north of the town of Sévaré in Mopti *cercle*. The device exploded while the children were playing with it on 10 July. One of them died and the other two were injured as a result. The two injured children were transported to Mopti hospital for medical treatment. They were discharged from hospital on 11 July and returned to their village.

56. In June 2017, at the end of the 2016/17 school year, at least 500 schools had to be closed in central and northern Mali owing to insecurity and the influence of extremist groups, which are strongly opposed to formal education. At least 150,000 children are still out of school as a result.

57. The Independent Expert is very concerned about children and young people in street situations, a phenomenon which has been steadily growing in the country; the increase in the number of children and young people being cared for by community-based organizations in recent years is also worrying. This phenomenon concerns respect for all aspects of children's rights (education, health, food, safety, housing, etc.). Living on the streets, these children are victims of social exclusion and are exposed to substance abuse, physical and sexual violence, and psychological trauma on a daily basis. The causes are multiple and complex (economic, social, religious and legal). The factors contributing to the situation include inadequate infrastructure (reception and counselling centres, vocational training centres) and guidance, as well as a lack of direct support. The inadequate training and specialization of judges, court registrars, judicial police officers and other actors responsible for child protection hinders the realization of children's rights.

E. The prison situation

58. The Independent Expert is concerned about human rights violations committed during a violent demonstration in Kangaba prison on 1 April. He received allegations that the prison authorities had used excessive force to respond to the situation, which had resulted in the death of one man and in five others being injured by bullets or metal projectiles.

59. The Independent Expert welcomed the fact that, on 19 September, MINUSMA formally handed over responsibility for a quick-impact project for the protection of the rights of prisoners with disabilities at Bamako central prison to the Ministry of Justice of Mali at a ceremony organized by the Malian Federation of Persons with Disabilities, an implementing partner. The project, which is worth 14,610,500 CFA francs (approximately $26,500), comprises three essential features intended to significantly improve the protection of the rights of persons with disabilities being detained at the central prison: (a) the training of prison officers and administrators, (b) the construction of access ramps and (c) the provision of equipment (such as crutches and wheelchairs) to improve mobility and access, including to toilet facilities, while preserving the dignity of these persons.

F. Refugees and internally displaced persons

60. The context in which displacements occur in Mali remains complex and fluid. The Independent Expert continues to receive reports of displaced persons currently residing in the southern regions moving to the northern regions. As at 31 October 2017, 40,743 internally displaced persons (8,025 households) and 133,316 Malian refugees in neighbouring countries had been registered.

61. The Independent Expert was informed that some displaced persons went back and forth between their place of displacement and their place of origin. The Independent Expert continues to receive reports of new displacements. The reasons for these new displacements include intercommunal conflicts, insecurity, clashes and the prospect of a possible confrontation between armed groups.

G. Economic, social and cultural rights

62. The Independent Expert pays particular attention to these issues, as respect for these rights is essential for building the foundations of peace and security and, in this context, he welcomes the development of the road map for achieving the Sustainable Development Goals.

63. The Independent Expert would like to stress that this aspect should not be neglected and notes that there could well be an increase in military expenditure on account of the deteriorating security situation in the northern and central parts of the country, to the detriment of social programmes. In addition, funding for humanitarian assistance continues to be insufficient.

64. The Independent Expert notes that the majority of the population still lives below the poverty line and that the provision of basic services, particularly in the northern and central parts of the country, is very limited. The situation of people affected by severe food insecurity, especially children suffering from acute malnutrition, has deteriorated in the Timbuktu, Kidal and Mopti Regions during the period under review. In 2017, the national rate of acute malnutrition exceeded the emergency threshold set by the World Health Organization.

IV. Conclusions and recommendations

A. Conclusions

65. **The growing influence of extremist groups has contributed significantly to the rapid deterioration of the security situation in the country. Armed groups are gaining more and more ground in Mopti Region and are beginning to monitor various aspects of social and cultural life in the areas where they operate. As a result, the population is forced to follow the rules imposed by armed groups. The Independent Expert stresses that a multidimensional and coordinated response is needed in order to successfully prevent violent extremism and to de-radicalize young people. The national counter-terrorism strategy should include not only security arrangements but also seek to remove the conditions conducive to the spread of terrorism and to guarantee respect for human rights for all and for the rule of law in the fight against terrorism.**

66. **The absence or weakness of the judicial response of the State in these areas poses a real threat to the security and life of the population. The Independent Expert stresses that attacks against humanitarian actors may contravene customary international law and international humanitarian law.**

67. **The Independent Expert expresses his concern over the competence of cadi courts (traditional courts composed of religious leaders and customary judges), which now extends to criminal matters. In the Kidal and Ménaka Regions, decisions related to criminal law were handed down and implemented, creating a dangerous parallel**

justice system. The Independent Expert notes that this only underscores the pressing need to restore the authority of the State in Mali. In the absence of a formal judicial authority, justice is administered by the cadi courts, which are composed of religious leaders and customary judges.

68. In his report, the Independent Expert referred to a number of serious incidents in which humanitarian actors were targeted. It should also be recalled that attacks against humanitarian actors violate customary international law and international humanitarian law. These cowardly attacks affect the delivery of humanitarian assistance to vulnerable population groups.

69. The Independent Expert would like to emphasize the fundamental role of respect for human rights in the peace process and in the fight against terrorism in the Sahel, including in the deployment of the G5 Sahel joint force. The Independent Expert stresses that attacks against United Nations agencies and humanitarian actors, as well as obstructions to humanitarian activities, both of which amount to war crimes, must cease.

70. The Independent Expert commends civil society for its crucial role in drawing the attention of the international community to a range of issues, including impunity, and for its efforts to create a real citizen-led movement for holistic change in the country, particularly in the fight against the radicalization of young people and violent extremism.

B. Recommendations

71. The Independent Expert reiterates his previous recommendations and puts forward the recommendations set out below.

72. The Independent Expert recommends that the Malian authorities should:

(a) Improve the participation of women in the mechanisms of the peace process.

(b) Conduct prompt and impartial investigations into all cases of violations and abuses of human rights allegedly committed in their territory, including allegations against the Malian armed forces, and ensure that human rights conventions and the Rome Statute are included in training programmes for judges, lawyers and prosecutors.

(c) Undertake a legislative reform to extend, on a temporary basis, the competence of the judicial unit specializing in combating terrorism and transnational crime to include cases of grave violations and abuses of human rights and of international humanitarian law in areas where the security situation is not conducive to the redeployment of judicial services. Such a reform would resolve the conflict of jurisdiction between the Court of First Instance of Commune III and the courts in the northern regions while ensuring the more expeditious processing of cases of violations and abuses of human rights and international humanitarian law.

(d) Encourage the deployment of members of the gendarmerie, as a judicial police force, to work alongside the Malian armed forces to ensure that the rights of arrested persons are guaranteed and that their detention conditions are in conformity with international human rights principles.

(e) Provide the National Human Rights Commission with the necessary funds to enable it to become fully operational and to fulfil its role as the national torture prevention mechanism.

73. The Independent Expert recommends that armed groups should:

(a) Duly note the provisions of international human rights law and international humanitarian law on the rights of the child and, in particular, the involvement of children in armed conflict, which stipulate that armed groups should

not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.

(b) Comply with the provisions of article 7 (5) of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which directly concern armed groups. Under these provisions, armed groups are prohibited from forcibly recruiting persons, kidnapping, abduction or hostage-taking, engaging in sexual slavery and trafficking in persons, especially women and children.

74. The Independent Expert recommends that the international community should:

(a) Assist the Malian authorities in prosecuting the perpetrators and instigators of violence and violations of human rights and international humanitarian law, as a means of combating impunity.

(b) Take the measures necessary to ensure that the sanctions regime imposed by the Security Council on 5 September 2017 is effective and that the travel ban and assets freeze can be implemented, if required.

(c) Develop and fund projects to support the fight against the radicalization and recruitment of young people.